

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

CITY OF BELLEVILLE, CANTON CHARTER
TOWNSHIP, CITY OF ROMULUS, VAN BUREN
CHARTER TOWNSHIP, and THE VAN BUREN
TOWNSHIP FIRE CHIEF
(In his official capacity only),

Case No. 24-013420-CH

Hon. Kevin J. Cox

Plaintiffs,

and

WAYNE COUNTY,

Intervening Plaintiff,

v.

WAYNE DISPOSAL, INC., a Michigan
Corporation,

Defendant.

FAUSONE & GRYSKO, PLC
Brandon Grysco (P82751)
Stephen J. Brown (P82684)
41700 W. Six Mile Road, Suite 101
Northville, Michigan 48168
jbrown@thefgfirm.law
(248) 380-0000

Attorneys for Plaintiffs

Michael L. Caldwell (P40554)
Theresa A. Bodwin (P78913)
Zausmer, P.C.
32255 Northwestern Highway, Suite 225
Farmington Hills, MI 48334
mcaldwell@zausmer.com
tbodwin@zausmer.com
(248) 851-4111

Attorneys for Intervening Plaintiff

BARNES & THORNBURG LLP
Charles M. Denton (P33269)
Scott M. Watson (P70185)
William J. Leeder, III (P70708)
Sydney O. Imes (P86532)
171 Monroe Ave NW, Ste 1000
Grand Rapids, Michigan 49503
cdenton@btlaw.com
scott.watson@btlaw.com
bleeder@btlaw.com
sydney.imes@btlaw.com
(616) 742-3974

Attorneys for Defendant

DEFENDANT WAYNE DISPOSAL, INC.'S
FIRST AMENDED ANSWER TO PLAINTIFFS' COMPLAINT

NOW COMES Defendant Wayne Disposal, Inc. ("Defendant" or "WDI"), by counsel, and submits this Amended Answer to Plaintiffs' Complaint, replacing, amending and superseding Defendant's prior Answer, as follows:

GENERAL DENIAL

Defendant Wayne Disposal, Inc. denies any liability to Plaintiffs as may be alleged in the Complaint. To the extent the allegations in Plaintiffs' Complaint contain legal conclusions or characterizations, no response is required. To the extent a response is required to the remaining allegations, Defendant Wayne Disposal, Inc. neither admits nor denies the remaining allegations due to a lack of knowledge or information sufficient to form a belief as to the truth of those vague and ambiguous allegations. Defendant Wayne Disposal, Inc. reserves the right to amend this Answer, including objection to this Court's jurisdiction, and to assert counterclaims and/or third-party claims as discovery and further pretrial proceedings may warrant.

ADDITIONAL DEFENSES

1. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.
2. Plaintiffs' Complaint and the relief requested violates the U.S. Constitution's Commerce Clause.
3. This Court lacks jurisdiction due to the primary jurisdiction of the Michigan Department of Environment, Great Lakes & Energy, and/or because of Plaintiffs' failure to exhaust administrative remedies.
4. Plaintiffs' claims are barred, in whole or in part, by the applicable statute of limitations.

5. Plaintiffs' claims are barred, in whole or in part, by the doctrine of laches.
6. Plaintiffs' claims are barred, in whole or in part, by the doctrine of unclean hands.
7. Plaintiffs' claims are barred, in whole or in part, by the applicable doctrines of consent, license, permit, acquiescence, release, settlement, and/or waiver.
8. Plaintiffs' have failed to join necessary or indispensable parties.
9. There is no public nuisance caused by Defendant's actions.
10. An injunction would not preserve the status quo.
11. There is no threat to the public or to the environment.
12. Defendant reserves the right to assert and rely on any additional defenses that become available or apparent through discovery and during the course of this action.

WHEREFORE, Defendant respectfully requests that Plaintiffs' Complaint be dismissed with prejudice, or that upon trial a judgment of no cause of action be entered against Plaintiffs, and that Defendant be awarded its costs and attorneys' fees, together with such further and other legal and equitable relief as may be just under the circumstances.

Dated: October 8, 2024

Respectfully submitted,

BARNES & THORNBURG LLP

/s/ Charles M. Denton
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bleeder@btlaw.com
sydney.imes@btlaw.com
(616) 742-3974

Attorneys for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 8, 2024, a copy of the foregoing pleading was filed electronically and served by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing.

Dated: October 8, 2024

Respectfully submitted,

BARNES & THORNBURG LLP

/s/ Charles M. Denton
BARNES & THORNBURG LLP
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Attorneys for Defendant